

Legislative Bulletin.....March 18, 2010

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H.R. 3671—Upper Mississippi River Basin Protection Act
(Kind, D-WI)

Order of Business: The bill is scheduled to be considered on Thursday, March 18, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3671 would require the Interior Secretary, acting through the U.S. Geological Survey, to establish a nutrient and sediment monitoring network for the Upper Mississippi River Basin. Additional provisions of the bill are as follows:

- Directs the Secretary to: 1) establish guidelines for related data collection and storage activities; 2) inventory the sediment and monitoring efforts of governmental and nongovernmental entities for the purpose of creating a baseline understanding of overlap, data gaps, and redundancies; and 3) collaborate with other public and private monitoring efforts in establishing the monitoring program;
- Directs the National Research Council of the National Academy of Sciences to conduct a water resources assessment of the Basin;
- Requires the Director of the U.S. Geological Survey to establish: 1) a computer modeling program of nutrient and sediment sources in the Basin; and 2) an Internet-based system to distribute information about nutrient and sediment loss reduction projects and nutrient and sediment levels in the Upper Mississippi River and its tributaries; and

- Authorizes appropriations of \$6.25 million each fiscal year to carry out this Act and \$650,000 to conduct a research assessment by the National Research Council.

H.R. 3671's authorization does not contain a sunset date (unlike similar legislation that passed the 109th Congress).

Similar legislation passed by a voice vote in both the 109th Congress (H.R. 5340) and 110th Congress (H.R.2381).

Committee Action: On September 29, 2009, the bill was introduced and referred to the Committee on Natural Resources. No further subsequent action was taken.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: A CBO report for H.R. 3671 is unavailable. However, a score for a similar bill passed in the 109th Congress, H.R. 5340, indicates that implementing the bill would cost \$31 million over the FY 2008-FY2012 period and about \$6 million annually thereafter.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A Committee Report citing the Constitutional authority for Congress to enact this bill is unavailable.

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H.R. 4252—Inland Empire Perchlorate Ground Water Plume Assessment Act (*Baca, D-CA*)

Order of Business: The bill is scheduled to be considered on Thursday, March 18, 2010, under a motion to suspend the rules and pass the bill.

Summary: The bill directs the United States Geological Survey (USGS) to conduct a study of the water resources in the Rialto-Colton Basin in California. Within two years of funds being made available, a study would occur to identify the location of aquifers in

the basin, evaluate the impact of perchlorate mcontamination in the basin, and include analysis of other related water issues in the basin.

Additional Background: According to the committee, perchlorate is both a naturally occurring and man-made chemical. Most of the perchlorate manufactured in the United States is used as the primary ingredient for solid rocket propellant and has been detected in 20 water supply wells at concentrations above the California action level (four parts per billion) in the Rialto-Colton Basin.

Committee Action: On December 9, 2009, the bill was introduced and referred to the Committee on Natural Resources. On March 11, 2010, the committee held a mark-up and ordered the bill to be reported favorably by a voice vote.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: According to CBO, “assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 4252 would cost \$4 million over the next two years.” Enacting the legislation would not affect direct spending or revenues.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? According to Committee Report 111-433, H.R. 4252 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

Constitutional Authority: Committee Report 111-433 cites Article I, Section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

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H.R. 4003—Hudson River Valley Special Resource Study Act (Hinchey, D-NY)

Order of Business: The bill is scheduled to be considered on Thursday, March 18, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4003 requires the Secretary of the Interior to conduct a study to evaluate the Hudson River Valley in New York to determine the suitability and feasibility of establishing the site as a unit of the National Park System. The Secretary shall submit a report to the Committee on Natural Resources within three years on the findings, conclusions, and recommendations of the study authorized by the bill. The committee

adopted an amendment during mark-up authored by Rep. Bishop (R-UT) to require the National Park Service to document activities that will be limited or eliminated by a park designation and detail the various authorities that will allow the NPS to become involved in local land-use planning and zoning decisions that restrict the property rights of neighboring homeowners and communities.

Additional Background: The creation of the Hudson River Valley Commission in 1966 first authorized the federal government to work with municipalities to recognize the valley and help mitigate environmental concerns. The Hudson River Valley National Heritage Area established in 1996 provided a framework for additional heritage tourism opportunities in the river valley. The study authorized in H.R. 4003 would encompass nearly 200 river miles in 12 counties, from Fort Edward, south of Adirondack State Park, to the entrance to New York City.

Committee Action: On November 3, 2009, the bill was introduced and referred to the Committee on Natural Resources. On March 11, 2010, the committee held a mark-up and ordered the bill to be reported favorably by a voice vote.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: According to CBO, “conducting the required study would cost less than \$500,000 over the next three years. Enacting H.R. 4003 would not affect revenues or direct spending; therefore, pay-as-you-go procedures would not apply.”

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? According to Committee Report 111-436, “H.R. 4003 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.”

Constitutional Authority: Committee Report 111-436 cites Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

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H.Res. 1173 - Recognizing the 100th anniversary of the Vermont Long Trail, the oldest long-distance hiking trail in the United States, and congratulating the Green Mountain Club for its century of dedication in developing and maintaining the trail. (Welch, D-VT)

Order of Business: The bill is scheduled to be considered on Thursday, March 18, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 1173 resolves that the **XXXXXXXXXXXXXXXXXX**:

- “Recognizes the 100th anniversary of Vermont's Long Trail, the oldest long-distance hiking trail in the United States, and congratulates the Green Mountain Club for its century of dedication in developing and maintaining the Long Trail.”

The resolution contains a number of findings, including:

- “The Long Trail is the oldest long-distance hiking trail in the United States;
- “The Long Trail traverses scenic valleys and the tallest summits of the Green Mountain State;
- “The Green Mountain Club continues to protect, defend, and promote the Long Trail and its 100-year history in Vermont;
- “The mission of the Green Mountain Club is to make the Vermont mountains play a larger part in the life of the people by protecting and maintaining the Long Trail system and fostering, through education, the stewardship of Vermont's hiking trails and mountains;
- “The birth of the Long Trail is a testament to the hard work of many dedicated individuals and its continued existence is evidence of the perseverance of the Green Mountain Club and countless volunteers.”

Additional Information: According to their website, Green Mountain Club is a private, nonprofit with around 9,000 members. More information about the Green Mountain Club can be found [here](#).

Committee Action: H.Res. 1173 was introduced on March 11, 2010 and was referred to the House Natural Resources Committee, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 2788—Distinguished Flying Cross National Memorial Act (Calvert, R-CA)

Order of Business: The bill is scheduled to be considered on Thursday, March 18, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2788 establishes a memorial to members of the Armed Forces who have been awarded the Distinguished Flying Cross to be located at the March Field Air Museum in Riverside, California. The memorial would not be included as a unit of the National Park System.

Additional Background: According to the bill’s findings, 126,318 members of the Armed Forces received the Distinguished Flying Cross during World War II, approximately 21,000 members received the medal during the Korean conflict, and 21,647 members received the medal during the Vietnam War. Since the end of the Vietnam War, more than 203 Armed Forces members have received the medal in times of conflict. Due to a fire that destroyed records in Missouri, many documents that verified recipients of the Flying Cross were destroyed in 1973. The purpose of this memorial is to honor all those members of the Armed Forces who have distinguished themselves in aerial flight, whether documentation of such members who earned the Distinguished Flying Cross exists or not.

Committee Action: On June 10, 2009, the bill was introduced and referred to the Committee on Natural Resources. On March 11, 2010, the committee held a mark-up and ordered the bill to be reported by favorably by a voice vote.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: According to CBO, “implementing H.R. 2788 would have no effect on discretionary spending because the proposed memorial would not be constructed or operated with federal funds. Enacting the legislation would not affect revenues or direct spending; therefore, pay-as-you-go procedures would not apply.”

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? According to Committee Report 111-435, H.R. 2788 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

Constitutional Authority: Committee Report 111-435 states Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

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H.R. 1769—Stornetta Public Lands Outstanding Natural Area Act (Reichert, R-WA)

Order of Business: The bill is scheduled to be considered on Thursday, March 18, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1769 would designate an additional 22,000 acres of public land in the state of Washington to the Alpine Lakes Wilderness area, originally created in 1976. The legislation would also designate approximately 27 miles of the Pratt and Middle Fork Snoqualmie Rivers as “Wild and Scenic.”

Additional Background: Created though Congress in 1968, the [National Wild and Scenic Rivers System](#) allows the Department of Interior to select certain rivers of the Nation which are deemed to have natural, cultural, and recreational values and preserve them and immediately surrounding areas, in a free-flowing natural condition.

The [Wilderness Act of 1964](#) established “wilderness” as a legal designation used for long-term preservation of public land. According to the original legislation, wilderness is defined as “an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain...” Essentially, a wilderness designation makes federal land off limits to all but those who can get there only by foot, or occasionally with the assistance of a horse.

For more information on H.R. 1769 from the bill’s sponsor, click [here](#).

Conservative Concerns: Some conservatives have expressed concern the legislation authorizes an additional wilderness area designation, which can lead to restrictive federal zoning and land-use planning to block energy development or and severely restrict public access to the area.

Committee Action: On March 26, 2009, the bill was introduced and referred to the Committee on Natural Resources. On March 11, 2010, the committee held a mark-up and ordered the bill to be reported by favorably by a voice vote.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: According to CBO, “implementing H.R. 1769 would have no significant effect on the federal budget. Enacting the legislation would not affect revenues or direct spending; therefore, pay-as-you-go procedures would not apply.”

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? According to Committee Report 111-434, “H.R. 1769 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.”

Constitutional Authority: Committee Report 111-434 states Article I, section 8 and Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

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**H.R. 4395—To revise the boundaries of the Gettysburg National
Military Park to include the Gettysburg Train Station
(Platts, R-PA)**

Order of Business: The bill is scheduled to be considered on Thursday, March 18, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4395 would expand the boundaries of the Gettysburg National Military Park in Pennsylvania to include a parcel of land containing the Gettysburg Train Station and allow the donation of a 45-acre tract of land along Plum Run in Cumberland Township to the National Park Service. The bill authorizes the Secretary of the Interior to purchase the property from a willing seller only after all other efforts to acquire the land without cost to the government have been exhausted.

Additional Background: After the Battle of Gettysburg, the local residents of the community established a national cemetery for the Union dead. President Lincoln arrived by train at the station to deliver a speech to dedicate the Soldier's National Cemetery in November of 1863, which became known as the “Gettysburg Address.” In 1895, Gettysburg National Military Park was established when the property was transferred to the federal government. In 1933, administration of the site was transferred to the Department of the Interior and the National Park Service. The purpose of H.R. 4395 is to expand the boundary of Gettysburg National Military Park in Pennsylvania to include the train station at which President Abraham Lincoln arrived to deliver the Gettysburg Address.

Committee Action: On December 16, 2009, the bill was introduced and referred to the Committee on Natural Resources. On February 24, 2010, the committee held a mark-up and ordered the bill to be reported by favorably by a voice vote.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: According to CBO, “implementing H.R. 4395 would cost about \$1 million over the next year or two, assuming the availability of appropriated funds, to purchase the train station and conduct minor development projects at the added sites. We estimate that annual costs to operate and maintain the new properties after that time would be minimal because the train station would continue to be operated by local or nonprofit organizations, and the Plum Run acreage would be left undeveloped. Enacting H.R. 4395 would not affect direct spending or revenues; therefore, pay-as-you go procedures would not apply.”

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? According to Committee Report 111-438, “H.R. 4395 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.”

Constitutional Authority: Committee Report 111-438 cites Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

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